

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

Yvonne Burnette,

Plaintiff,

Case No. 23-cv-12265

v.

Judith E. Levy

United States District Judge

Caine & Weiner,

Mag. Judge Elizabeth A. Stafford

Defendant.

_____/

**ORDER DISMISSING CASE WITHOUT PREJUDICE FOR
FAILURE TO PROSECUTE**

On September 1, 2023, Plaintiff Yvonne Burnette filed a *pro se* complaint in which she alleges violations of the Fair Debt Collection Practices Act. (ECF No. 1.) Plaintiff filed an amended complaint on September 5, 2023. (ECF No. 4.) On September 8, 2023, the Court struck Plaintiff's Amended Complaint as it is unsigned and, as a result, is not in compliance with Federal Rule of Civil Procedure 11(a)'s signature requirement. (ECF No. 7, PageID.23.) The Court ordered Plaintiff to refile the Complaint by September 29, 2023. (*Id.*) Plaintiff did not refile the Complaint.

On October 3, 2023, the Court ordered Plaintiff to show cause why the matter should not be dismissed or transferred due to Plaintiff's failure to comply with the Court's order directing her to file a signed complaint. (ECF No. 12, PageID.37.) The Court ordered Plaintiff to provide these responses by October 20, 2023. (*Id.*) As of this date, Plaintiff has not yet responded to the Court's Order.

Federal Rule of Civil Procedure 41(b) provides that a court may order the involuntary dismissal of an action for failure to prosecute or to comply with the Federal Rules of Civil Procedure or a court order. *See* Fed. R. Civ. P. 41(b). "This measure is available to the district court as a tool to effect management of its docket and avoidance of unnecessary burdens on the tax-supported courts and opposing parties." *Schafer v. City of Defiance Police Dep't*, 529 F.3d 731, 736 (6th Cir. 2008) (quoting *Knoll v. Am. Tel. & Tel. Co.*, 176 F.3d 359, 363 (6th Cir. 1999)). Plaintiff has not responded to the Court's Order and has not filed a signed Complaint. The unsigned Complaint violates Federal Rule of Civil Procedure 11(a)'s signature requirement and the case is unable to proceed.

Accordingly, this matter is DISMISSED WITHOUT PREJUDICE.

IT IS SO ORDERED.

Dated: October 24, 2023
Ann Arbor, Michigan

s/Judith E. Levy
JUDITH E. LEVY
United States District Judge

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or first-class U.S. mail addresses disclosed on the Notice of Electronic Filing on October 24, 2023.

s/William Barkholz
WILLIAM BARKHOLZ
Case Manager